

5. Permit Coordination

To ensure successful implementation of all CALFED programs, a coordinated permit process is being established. The process will anticipate the numerous permit requirements for actions approved as part of CALFED. Coordinated permitting will not result in relaxation of permitting requirements but will facilitate information sharing among regulatory agencies to refine the permitting process. The permit coordination framework also would be designed to address broad issues in order to improve the efficiency of such processes as general and regional permits, mitigation banks, and enhancement sites.

Permit coordination for the Levee Program will be addressed under the umbrella of the CALFED permit coordination program. CALFED has attempted to incorporate broad stakeholder and agency input into development of that program. For example, the Levees and Channels Technical Team, a team of agency staff and stakeholders that provides technical input to the Levee Program, contributed to developing the program concerning current levee maintenance issues.

Table 11 identifies the Levee Program permit coordination issues that will be included in the overall CALFED coordinated permit process.

In addition to providing input for the development of the coordinated permit process, the Levee Program seeks to resolve existing permit issues, where possible. A current issue of concern is dredge permitting. The ability to dredge is important because dredging maintains channel capacity for water supply and flood control, and dredged material is reused for levee construction as well as to create shallow-water habitat. Historically, the process of obtaining permits for levee and channel work has been problematic. A lack of staff resources has hindered the Regional Water Quality Control Board (RWQCB) in processing dredging permits. Processing times for individual dredge permits are long, sometimes over 1 year. Issuance of a general order for dredging by the RWQCB would greatly expedite the dredge permit process. The RWQCB has been unable to process a general order for dredging, which requires an EIR, due to lack of RWQCB resources as well as lack of scientific information. This lack of scientific information also causes the RWQCB to issue individual permits more conservatively (with greater restrictions).

The Levee Program and CALFED upper management are developing an administrative plan for CALFED to obtain a general order for WDRs that would apply to dredging and sediment reuse in the Delta for all CALFED implementation actions. Where possible, the Levee Program will promote opportunities for investigations, directed by federal and state water quality decision makers such as the RWQCB, that will provide scientific background for establishing guidelines by which maintaining agencies can dredge Delta channels. An

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Table 11. Delta Levee Program Permit Coordination Issues

Areas of Concern

- Work windows for in-channel work developed by U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS) as part of Section 7 federal involvement restrict and affect the maintenance of levees.
- Lack of real-time data prevents permit agencies from granting variances for work within the windows.
- The federal government (U.S. Environmental Protection Agency in coordination with the U.S. Army Corps of Engineers) recently released the "Inland Waters Testing Manual," which presents testing methodologies for in-water dredged material disposal. If the federal testing standards differ from the state standards, costs may increase due to additional testing requirements.
- The Regional Board requires testing of materials to be dredged, but a general order has not yet been issued. Uncertainty and lack of scientific information on applicable standards exist.
- The term "net habitat enhancement" as required by Assembly Bill 360 needs to be clearly defined.
- A clear definition of "impacting activities" is needed, and these activities need to be classified according to the level of impact (for example, minimal or substantial).
- Lack of agency staffing and frequent regulatory agency staff turnover hinder permit processing.
- Trust and team building are needed in permit coordination.
- The process of Endangered Species Act consultation is uncertain, including lack of NMFS/CALFED coordination, lack of established monitoring protocols, and potential impacts caused by monitoring.
- A suite of designs for allowable in-water work and monitoring is needed.
- Upper management support and oversight of the program are needed.

Avenues for Better Permit Coordination

- Memoranda of Understanding are desirable, such as the one between the State Lands Commission and local agencies that allows the districts to conduct dredging to obtain materials for levee maintenance under certain conditions.
- Multi-year and programmatic agreements are desirable.
- A system of centralized permit tracking is needed, including follow through for permit actions.

example of this is a current near-term ecosystem (Category III) focused grant for research that will address sediment toxicity.

The Levee Program has provided input and coordinated with members of the Delta Levees and Habitat Advisory Committee, DFG, and the near-term ecosystem restoration program in the design of this research project that will provide much-needed information regarding sediment toxicity and develop a comprehensive strategy for Delta sediments. Also, the Levee Program seeks to incorporate monitoring for sediment toxicity and sediment characterization into the CMARP (see later discussion under "Monitoring and Research").